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By Hand

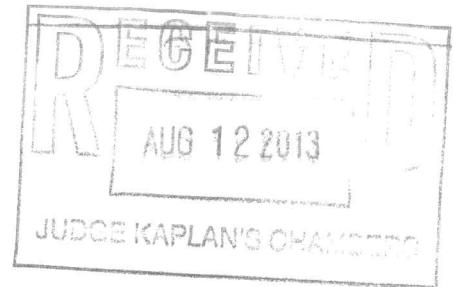
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212-346-4665

DOCKET

August 8, 2013

Honorable Lewis A. Kaplan
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007



Re: United States v. Adel Abdel Bary
(S7) 98 Cr. 1023 (LAK)

Dear Judge Kaplan:

This letter is respectfully submitted to particularize the statements of Mr. Abdel Bary that we seek to suppress. The particular statements we seek to suppress are highlighted in yellow in the enclosed documents.

The first 4 pages of statements (Bates stamped [98 Cr. 1023 (LAK)-AB-007679-007682] were produced by the Government on or about July 19, 2013. These statements were made in Mr. Abdel Bary's home at the time of his arrest in the absence of counsel.

I have been advised that it is the Government's current intention not to seek to introduce in its case in chief, Mr. Abdel Bary's "no comment" statements made during interviews conducted at the Charing Cross Police Station on September 25, 1998 and the 2 interviews conducted on September 26, 1998.

Respectfully submitted,



Andrew G. Patel

encl.

cc: All counsel of record (by electronic mail w/color attachment)

[REDACTED]

DC [REDACTED] and Mr ABDELBARY.

Q. "I'm DC [REDACTED] from the Anti-Terrorist Branch and this is DC [REDACTED]."

Mr ABDELBARY then got up out of the bed and DC [REDACTED] said to him at 0635.

Q "Listen carefully you are under arrest for Section 14 of the Prevention of Terrorism Act namely that you are involved in the commission, preparation or instigation of Acts of Terrorism." DC [REDACTED] then cautioned him.

He made no reply.

In an effort to alleviate any distress to his children Mr ABDELBARY was taken to the next bedroom.

DC [REDACTED] said, "This place is going to be searched is there anything here that may harm anybody?"

A. "No."

Q. "You will be taken to Charing Cross Police Station and you will be given a chance to take some spare clothing and a prayer mat if you wish."

A. "Okay."

Q. "Do you have any vehicles?"

A. "Yes a Rover and a Ford."

DC [REDACTED] then told him that these too would be searched and again asked him if they contained anything that would harm someone.

He said, "No."

[REDACTED]

DC [REDACTED] indicated to several black bin liners propped against the wall and said, "What's in these?" He said, "Newspapers. I use them for research in my job."

DC [REDACTED] said, "What do you do then?"

He said, "I'm a solicitor I work for the Egyptian people that is why I have asylum in this country."

DC [REDACTED] said, "Do you have an office?"

He said, "Yes, across the road."

DC [REDACTED] said, "That will be searched as well. Is there anything there that would harm someone?"

He said, "No."

DC [REDACTED] said, "I think its clear to go into your bedroom again."

[REDACTED]

[REDACTED] Also present in the cell was his solicitor Mr AHMED. Mr ABDELBARY was awake and in consultation with his solicitor. I was then joined by DC [REDACTED]. I said to Mr ABDELBARY, "I am now formally releasing you from the provisions of the Prevention of Terrorism Act 1989. The time of your release will be 0133. However I am arresting you for possessing a prohibited weapon namely two CS gas canisters." I then formally cautioned Mr ABDELBARY at 0135 in respect of that matter to which he made no reply. The entire procedure was explained to Mr ABDELBARY by the interpreter. Following this Mr ABDELBARY through the interpreter was informed by the custody officer that he would be charged in a short while in respect of his possession of the two CS gas canisters.

At 0210 that day in the same cell with the same persons present the custody officer through the interpreter formally charged the prisoner and when further cautioned after charge Mr ABDELBARY elected to make the following reply:

"I would like to let you know I live in a very rough area and it is well known that it's rough. Sometimes my children play in the hallway and there is rubbish next to the door. They sometimes bring back injection used syringe and I did not know what it was for. With my English knowledge I would not understand what is its content."

Later that morning Mr ABDELBARY was released and bailed to appear before Marylebone Magistrates Court to answer the charge.

[REDACTED] having identified

himself asked the male, "What is your name?". The male replied, "Adel
BARY". [REDACTED]

17925

<u>EXHIBIT REF. NO.</u>	<u>PRODUCED BY:</u>
TIA/20A	DC AGNEW
<u>DESCRIPTION:</u> RECORD OF TAPE RECORDED INTERVIEW ADEL ABDEL BARY 24/9/98 13.42 - 14.27	
<u>WHERE FOUND:</u> CHARING CROSS POLICE STATION	
<u>REMARKS:</u>	

Record of Tape Recorded Interview

Person interviewed Adel ABDELBARY TIA/20A
 Place of interview Charing Cross Police Station Police Exhibit No.....
 Number of Pages 15

 Date of interview Signature of interviewing
 officer producing exhibit

 Time commenced 1342 Time concluded..... 1427
 Duration of interview 45 minutes Tape reference Nos.....
 Interviewing Officer(s) Detective Constable AGNEW, Detective Constable POWELL
 Other persons present Miss A RISK (Interpreter) & Mr AHMED Solicitor

Tape counter times	Person speaking	Text
		(The following interview was conducted via an Interpreter as Mr ABDELBARY does not speak English. ALL his answers are through the Interpreter). AGNEW This interview is being tape recorded. I am Detective Constable Ivan AGNEW attached to the Anti-Terrorist Branch at New Scotland Yard. The other police officer present is: POWELL Detective Constable Gary POWELL also attached to the Anti-Terrorist Branch.
54	AGNEW	We are in the interview room at Charing Cross Police Station. Okay, I am interviewing, can you please state your full name. ABDELBARY Adel Mohammed ABDELBARY.
1.24	AGNEW	Okay. Thank you Mr ABDELBARY. Also present is a solicitor Mr ABDELBARY.
1.38	AGNEW AHMED	Can you please introduce yourself sir? My name is Mr AHMED. I'm solicitor from Ahmed and Co. And by way of introduction my job here is to look after your legal rights. And what that basically means

Continuation sheet No:.....

Adel ABDELBARY

Record of tape recorded interview of		
Vape counter times	Person speaking	Text
		I obtain information from the police officers which then I discuss with you, and at this stage I can say that I only have very limited disclosure and consequently my advice is extremely limited based on that disclosure. And consequently should there be introduction of any fresh evidence or information, I will seek to intervene, and try to explain and advise you on how best to deal with information. Do you understand all of that?
3.18	ABDELBARY	Yes.
	AGNEW	Today's date is the 24th of September 1998. The time on my watch is 1.42 pm.
	RISK	What's the time?
3.41	AGNEW	1.42 pm. This interview is being tape recorded and it may be given in evidence if your case is brought to trial. At the conclusion of the interview I will give you a notice explaining what will happen to the tapes. I must remind you that you have the right to free and independent legal advice. You can speak to a solicitor in private at any time of day or night and this legal advice is free. You can speak to a solicitor in person. If you do not want to speak to a solicitor in person, you can speak on the telephone. If you do want legal advice the interview can be delayed unless certain exceptions apply. As there is a solicitor present already, I will carry on with this interview. Do you understand everything that I have said to you?

Continuation sheet No:.....

Adel ABDELBARY

Record of tape recorded interview of		
Tape counter times	Person speaking	Text
5.51	ABDELBARY	Yes.
5.58	AGNEW	You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do, you do say may be given in evidence. Do you understand what that caution means?
6.42	ABDELBARY	Yes.
	AGNEW	Thank you. Okay. Mr ABDELBARY you have had an opportunity to consult with your legal representative prior to this interview, is that right?
	ABDELBARY	This is true. This is right, but I have not any details about the case.
7.23	AGNEW	I will ask you some questions in due course and perhaps you will be able to have a greater understanding of why you're here. Before this interview began, you have been provided with a cup of coffee and in addition, your solicitor has read over your notes of arrest.
8.25	ABDELBARY	Yes, I, he mentioned how I was arrested.
	AGNEW	Is the record that you've listened to correct?
8.43	ABDELBARY	Yes. But when the police enter, or when they entered on to my children, they cry and they scream and the police did not mention so.
	AHMED	That's right.
	AGNEW	That, that I would concede but as you can imagine that is an accurate recollection of the salient points of what's happened. Do you understand?

Continuation sheet No:.....

Adel ABDELBARY

Order of tape recorded interview of		
Tape counter times	Person speaking	Text
9.31	ABDELBARY	Yes. But er... he did not show me a warrant of arrest or a letter of arrest. And that's true.
	AGNEW	That is not my recollection of events. Can I say that you had just been er... woken up.
10.10	ABDELBARY	He did not give me a letter, I am sure. He only told me verbally.
	AGNEW	Yes umm... but it, it has been shown.
10.27	ABDELBARY	However, this did not happen. I'm sure this did not happen, maybe no circumstances. Maybe his circumstances er... he forgot to show it to me.
	AGNEW	We'll move on. Do you agree that everything else is correct.
10.45	RISK	Okay.
	ABDELBARY	Yes, sure, everything is correct, yes.
11.37	AGNEW	Okay. I would like to ask you some questions about your lifestyle and antecedent history.
	RISK	And?
12.23	AGNEW	Antecedent history - your life history. Do you have any other names?
	ABDELBARY	No. No. It is my name Adel Mohammed Abdel Magid ABDELBARY. That's all my names.
	AGNEW	Do you sometimes spell ABDELBARY with an 'E' and sometimes with a 'U'?
	ABDELBARY	I don't use 'U' at all I only use 'EL'.
	AGNEW	What is your date of birth?
	ABDELBARY	24.4.1960.
	AGNEW	Do you have any nicknames?

Continuation sheet No:.....

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Adel ABDELBARY

Order of tape recorded interview of		
Tape counter times	Person speaking	Text
	ABDELBARY	No.
12.45	AGNEW	What is your immigration status?
	ABDELBARY	I have obtained a permanent leave residence.
	AGNEW	What nationality are you?
	ABDELBARY	Egyptian.
	AGNEW	Where were you born?
13.17	ABDELBARY	In Cairo.
	AGNEW	What date did you arrive in the UK?
	ABDELBARY	I do not, I do not re... I do not recall precisely. It could be in September or October 91.
13.56	AGNEW	What was your method of entry?
	ABDELBARY	I entered on a visa from the airport.
14.15	AGNEW	Which airport?
	ABDELBARY	Heathrow.
	AGNEW	Which country did you travel from?
	ABDELBARY	From Saudia.
	AGNEW	Did you come directly from Saudi?
	ABDELBARY	Yes.
14.48	AGNEW	Have you left this country at any time since your arrival?
	ABDELBARY	I have not left apart from two weeks ago, I left for two days and I returned.
	AGNEW	Where did you go to?
	ABDELBARY	To (Kharta??? Qatar???) .
	AGNEW	Why did you go there?
15.30	ABDELBARY	I had a TV meeting/interview by invitation from the Island Space Channel - Satellite Channel. Algerzera

Continuation sheet No:.....

Adel ABDELBARY

Order of tape recorded interview of		
Tape counter times	Person speaking	Text
		Satellite Channel.
16.12	AGNEW	Did you meet anyone else there?
	ABDELBARY	Only the presenters.
	AGNEW	Do you have any friends there?
	ABDELBARY	No.
	AGNEW	Did they pay for your trip?
	ABDELBARY	Algerzera Channel paid - satellite channel paid. They gave me the ticket directly.
16.53	AGNEW	Did you come to the UK as a political refugee?
	ABDELBARY	Yes.
	AGNEW	Can you tell me the background to your claim for refugee status?
17.33	ABDELBARY	I was a solicitor/employer in Egypt and I used to defend and take on cases for Islamists. And the Government was always suppressing me, stop pressurising me not to. They imprisoned me and tortured me. They wanted me to work with them and I refuse that. Every period they arrested me, detain me and release me and so on, they detain me and release me. Therefore I was obliged to leave for the sake of my children. And I left the country with an agreement with them. They agreed to let me go provided that I do not return back again. On the first occasion when I wanted to leave I travel, they returned me back off the plane and this, this evidence is on my passport which I apply and presented. And I left on my personal passport. The person who guarantee to help me apply

Continuation sheet No:..... 7

Adel ABDELBARY

Record of tape recorded interview of		
Cassette counter times	Person speaking	Text
		for asylum, it is not a person it's an organisation - the Amnesty International who adopted or took my case on because they knew me and that I was imprisonment er... in prison and they have produced several reports about my case.
20.22	AGNEW	What would happen to you if you umm... returned to your country?
	ABDELBARY	I have at present time a judgement of execution by a Military Court which it was issued, it was issued by Military Court, absence, in absence. This happened last year. After I, after I declare the opening of the office - the International Office for the Defence of the Egyptian People.
21.23	AGNEW	Can you tell me during which periods you were imprisoned?
	ABDELBARY	During the period between 82 and the 19th, up to, up till 1990, when I came. I was in and out, in and out, in and out.
	AGNEW	What was the longest period you got imprisonment?
22.04	ABDELBARY	Around two and a half years.
	AGNEW	How many times have you been imprisoned?
	ABDELBARY	Many. Around twelve times.
	AGNEW	When you arrived in this country where did you live?
	ABDELBARY	In Kilburn.
	AGNEW	What address?
22.44	ABDELBARY	5 Quex Road.
	AGNEW	How long did you stay there?

Continuation sheet No:.....

Adel ABDELBARY

Record of tape recorded interview of		
Tape counter times	Person speaking	Text
	ABDELBARY	One year approximately.
	AGNEW	Where did you go next?
	ABDELBARY	I went again near in Victoria Street. I don't remember the house number?
	AGNEW	How long did you stay there?
23.37	ABDELBARY	I believe seven or eight months, I don't remember precisely.
	AGNEW	Where did you go next?
23.58	ABDELBARY	I went, after that I went to St. John's Wood.
	AGNEW	The address?
24.06	ABDELBARY	Carlton Hill. I don't remember the number.
	AGNEW	Where next?
	ABDELBARY	After that I had, er... my children arrive and the cons... the counsel sent us to Edgware Road. I don't remember the name of the street, it's a bit difficult.
	AGNEW	How long did you stay there?
24.59	ABDELBARY	I didn't stay long. A month or two approximately, something like that.
	AGNEW	Where next?
	ABDELBARY	West Ham.
	AGNEW	Where exactly?
	ABDELBARY	I don't remember. I didn't stay long there.
	AGNEW	Where next?
	ABDELBARY	The address I am living in.
25.43	AGNEW	Okay. Who pays the rent at your current address?
	ABDELBARY	The Counsel, the Government.
	AGNEW	What's your current occupation?

Continuation sheet No:.....

Adel ABDELBARY

Word of tape recorded interview of

Tape counter times	Person speaking	Text
	ABDELBARY	I am unemployed. I try to work as a journalist. I lost opportunity, every time I try to get an opportunity it, I lose it.
26.31	AGNEW	Why do you lose it?
	ABDELBARY	On one occasion it was with the BBC and because the Islamists struggle abroad and I had no passport. After that we tried and attempted to establish a newspaper here but we did not succeed.
27.21	AGNEW	Do you receive Unemployment Benefit?
	ABDELBARY	Yes.
	AGNEW	How much?
	ABDELBARY	£200 per week.
	AGNEW	Do you receive any other monies?
	ABDELBARY	Sometime my mother used to send me money from Egypt. We have two shops and my law office. And life here need people to spend money because of the circumstances and especially my circumstances.
28.34	AGNEW	Do you pay the gas, electricity and telephone bills?
	ABDELBARY	Mostly yes, but sometime I am late.
	AGNEW	You have a mobile telephone?
	ABDELBARY	Yes.
	AGNEW	What number?
	ABDELBARY	0956 375892.
	AGNEW	How long have you had that telephone?
	ABDELBARY	Sort of a year and a half.
	AGNEW	Before that did you have another mobile telephone?
	ABDELBARY	I believe I had One 2 One.

Continuation sheet No:.....10.....
Adel ABDELBARY

Word of tape recorded interview of		
Tape counter times	Person speaking	Text
29.44	AGNEW	What number?
	ABDELBARY	I don't remember it because I sold it.
	AGNEW	Who to?
	ABDELBARY	Someone in the mosque, I sold it through the mosque.
30.07	AGNEW	Do you know this person's name?
	ABDELBARY	No.
	RISK	Just I clarify one point. When he said (Ms RISK says something in Egyptian) mean someone in Egypt but then I clarify does he mean someone in Egypt, he said no, someone in the mosque through the mosque.
30.35	AGNEW	Okay. Who is the retail provider for the mobile telephone?
	ABDELBARY	One 2 One.
	AGNEW	What family do you have in the UK?
	ABDELBARY	My wife and five children.
	AGNEW	What is your wife's name.
	ABDELBARY	Ragaa.
	RISK	(Spells the wife's name).
	ABDELBARY	ABDELBARY. ABDELBARY, on my name.
31.26	AGNEW	What are the names and ages of your children?
	ABDELBARY	Ikram.
	RISK	(Spells it) - I.K.R.A.M. or E.K.R.A.M.?
	ABDELBARY	'E'.
	RISK	E.K.R.A.M.
	ABDELBARY	(The following children's names were spelt out on tape by Mr ABDELBARY and Ms RISK).
	ABDELBARY	Around 12 years. Mohammed he is 10 years. Abdel Majed.

Continuation sheet No:.....

Adel ABDELBARY

Word of tape recorded interview of

Tape counter times	Person speaking	Text
	RISK	Ms RISK spells ABDEL MAJED.
	ABDELBARY	He is 8, 8 years. Diaa Aldeen and he is 4 years of age. He was born here. And Nadarrahmah, she is the youngest who is 4 months.
33.27	RISK	Can I just clarify. Ekram is a boy. Mohammed is a boy. Abdel Majed is a boy. Ekram is a girl okay. Ikram female, girl. After that three boys and another girl.
	AGNEW	What family do you have outside of the UK? Brothers, sisters, friends?
	ABDELBARY	I have my brother and two, and two sister, two other sisters. And my sisters children outside in Libya.
34.31	AGNEW	Do you have any relatives in Algeria?
	ABDELBARY	No.
	AGNEW	Why are your sisters children in Libya?
	ABDELBARY	I will answer him on the question but I don't believe it is a question in connection or relating to what I am here for. My sister children, my sister was married there and she died there. And her children are still there, are married and have children.
	AGNEW	Okay. What are the names of your brother and sisters?
	ABDELBARY	My brother called Neem Abdelmajed. And my name sister name Afa. And my other sister names Mona.
35.35	POWELL	Can I just have the spelling for that?
	RISK	Yes of course. Abdelajed - M.A. er... A.B.E.L.M.A.J.E.D - ABDELMAJED is the brother. A sister names Afa - A.F.A. A sister Mona - M.O.N.A.
.22	POWELL	Thank you.

Continuation sheet No:.....
Adel ABDELBARY

12

Order of tape recorded interview of		
Tape counter times	Person speaking	Text
	AGNEW	Do, is, are both those sisters still alive?
	ABDELBARY	Yes.
	AGNEW	What is your wife's maiden name.
	ABDELBARY	Ismail.
	RISK	(Spells it) - I.S.M.A.I.L.
	AGNEW	Where was she born?
37.01	ABDELBARY	In Cairo.
	AGNEW	She is an Egyptian national?
	ABDELBARY	Yes. Yes.
	AGNEW	What are you educational qualifications?
	ABDELBARY	I have a achieved a Law Bachelor Degree.
	POWELL	Sorry a law?
	RISK	A law.
	ABDELBARY	And I also have Diploma - Post Graduate Diploma in Islamic Science from the same university (says a word in Egyptian) college, law college. Because the law college we have has got a section for Islamic (says word in Egyptian) stroke Islamic law.
38.08	AGNEW	Which college?
	ABDELBARY	Alzaqazeq College.
	RISK	Spells the above college.
	AGNEW	Have you ever served in the military?
	ABDELBARY	No.
	AGNEW	Have you any other skills or trade?
38.57	ABDELBARY	I have shops in Egypt with my brother. And, and I am a partner in a law office, my office.
	AGNEW	What is the name of your law office?

Continuation sheet No:.....

Adel ABDELBARY

Word of tape recorded interview of		
Tape counter times	Person speaking	Text
	ABDELBARY	We do not have named of... er... officers named of... er... named offices of giving a brand name like here. Usually the offices are named after the owner. Personalised.
	AGNEW	What was your partner's name?
	ABDELBARY	Montasar Elzyat.
	RISK	(Spells it) - M.O.N.T.A.S.A.R. E.L.Z.Y.A.T.
	AGNEW	Is he the only partner?
	ABDELBARY	No there is another, third partner.
	AGNEW	What's his name?
	ABDELBARY	Sarwat Sallah.
	RISK	(Spells it) - S.A.R.W.A.T. - Salaah - S.A.L.A.H.
40.50	AGNEW	Were you employed by any other solicitors before setting up your partnership?
	ABDELBARY	Yes.
	AGNEW	What was the name of the company or the person?
	ABDELBARY	There were two. One called Youssif Saqer.
	RISK	(Spells YOUSIFF SAQER).
	ABDELBARY	And Mahmoud ABDELSHAFI.
	RISK	(spells MAHMOUD ABDELSHAFI).
41.56	AGNEW	Are they the only, are they the only persons that you've worked for?
	ABDELBARY	Yes.
42.17	AGNEW	Do you have any bank accounts?
	ABDELBARY	Yes.
	AGNEW	Where are those accounts held?
	ABDELBARY	Only one account in Abbey National.

Continuation sheet No:.....

Adel ABDELBARY

Record of tape recorded interview of		
Tape counter times	Person speaking	Text
42.52	AGNEW	Which branch?
	ABDELBARY	Kilburn.
	AGNEW	Do you know the account number?
	ABDELBARY	No. You have that card, they took it from me.
	AGNEW	Do you have any loans?
	ABDELBARY	No.
	AGNEW	Do you have any credit cards, etc?
	ABDELBARY	Only the card with them. Only the card with them, with yourselves.
	AGNEW	Which credit card company?
	ABDELBARY	It is from the Abbey National.
43.22	AGNEW	So it's a bank card not, not a credit card?
	ABDELBARY	It is also a credit card?
	AGNEW	Is it Visa?
	ABDELBARY	Yes. It's got the Visa mark sign.
	AGNEW	What cars do you own?
43.54	ABDELBARY	The Rover car and a white car, Ford. The Rover is not working because it was hit while it, while I was station and it was hit and run. I tried and waited until the case, the court case end but unfortunately there was no, nothing, there was nothing. And I bought the car I have for £200 in order to use it and use it.
	AGNEW	Have you had any other cars?
	ABDELBARY	No. No.
	AGNEW	Do you possess the documents for those vehicles?
	ABDELBARY	Yes I have the documents which is for the black car. But the white one, but the white one I haven't got the
45.04		

Continuation sheet No:.....

Adel ABDELBARY

Word of tape recorded interview of		
Tape counter times	Person speaking	Text
		document for it until now, I have not received it yet.
	AGNEW	Do you have computer or fax machines?
	ABDELBARY	Yes, yes.
	AGNEW	Are you on the Internet?
	ABDELBARY	Yes.
	AGNEW	What is your Website name?
	ABDELBARY	The International Office for the Defence about the Egyptian People. (Buzzer sounds on tape).
46.34	AGNEW	Thank you. Is it true that you do not have a land telephone in your house?
	ABDELBARY	Yes..
	AGNEW	What is the make of your computer?
	ABDELBARY	Mackintosh and IBM.
	AGNEW	Who is your Internet provider?
	ABDELBARY	I have the company documents, I don't know.
	AGNEW	Okay, and do you wish to add anything further or to clarify any point re. anything that you told me so far?
		(TAPE CUTS OFF).

D920

<u>EXHIBIT REF. NO.</u>	<u>PRODUCED BY:</u>
TIA/21A	DC AGNEW
<u>DESCRIPTION:</u> RECORD OF TAPE RECORDED INTERVIEW ADEL ABDEL BARY 24/9/98 15.31 - 16.15	
<u>WHERE FOUND:</u> CHARING CROSS POLICE STATION	
<u>REMARKS:</u>	

Record of Tape Recorded Interview

Person interviewed Adel ABDELBARY TIA/21A
 Place of interview Charing Cross Police Station Police Exhibit No.....
 Date of interview 24th September 1998 Number of Pages 15
 Time commenced 1531 Signature of interviewing
 Duration of interview 46 minutes officer producing exhibit
 Interviewing Officer(s) Detective Constable AGNEW, Detective Constable POWELL
 Other persons present Miss A RISK (Interpreter) & Mr AHMED Solicitor

Tape counter times	Person speaking	Text
		(The following interview was conducted via an Interpreter as Mr ABDELBARY does not speak English. ALL his answers are through the Interpreter). AGNEW Okay this interview is being tape recorded. This is your second interview. We ran out of time on the last taped interview. We concluded the last interview at 2.27 pm. Can you confirm that there's been no untoward incidents between that interview and this interview.
	RISK	No one what?
	AGNEW	Untoward - unusual incidents.
1.11	ABDELBARY	Yes.
	AGNEW	Okay. And can you confirm that you a headache tablet and another cup of coffee.
	ABDELBARY	Yes.
1.29	AGNEW	And can you confirm that you've had an opportunity to consult privately with your legal representative?
	ABDELBARY	Yes.
	AGNEW	Okay. Umm ... one last point. I, I have served on your legal representative another disclosure sheet. And can

Continuation sheet No:.....2.....

Adel ABDELBARY

Word of tape recorded interview of

Tape counter times	Person speaking	Text
		you confirm that you've had an opportunity to discuss with your solicitor, two of the sessions that we wish to speak about.
2.40	ABDELBARY	Yes.
2.41	AGNEW	Okay. Once again. You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence. Okay. The time on my watch is 3.31 pm. Can you confirm that there, there are the same persons present in the room as before?
3.43	ABDELBARY	Surely.
	AGNEW	Do you wish to add anything further or clarify any point or anything you have told me in your previous taped interview?
	ABDELBARY	I haven't got anything at the moment.
	AGNEW	Before I deal with the second part of your interview, can I ask you to expand upon some of your previous answers about your history and that of your family. You stated that you receive money from your mother.
5.10	ABDELBARY	Yes, sometime.
	AGNEW	How do you receive it in what form?
	ABDELBARY	When someone coming for a visit they give it to them.
	AGNEW	Do you receive cash or cheques.
	ABDELBARY	Cash.
5.37	AGNEW	How much cash have you received since you arrived in the UK?

Continuation sheet No:.....

Adel ABDELBARY

Record of tape recorded interview of

Tape counter times	Person speaking	Text
	ABDELBARY	Okay in period, on distant periods I don't remember, I'm unable to remember.
	AGNEW	Are you still a partner in your law firm back in Egypt?
6.05	ABDELBARY	Of course.
	AGNEW	Do your partners, your business associates send you money through?
	ABDELBARY	No, they give to my family.
	AGNEW	Do your family then send you monies over?
	ABDELBARY	Yes, sometime as I said.
	AGNEW	Okay. How did your children get into this country? How did they travel.
	ABDELBARY	They came from Cairo directly to here on their passports.
6.55	AGNEW	Who paid for their trip?
	ABDELBARY	We did. My family. My family.
	AGNEW	How did you get to Saudi Arabia from Egypt?
	ABDELBARY	I went into Saudi Arabia from here not from Egypt.
7.28	AGNEW	I understood that you travelled from Saudi Arabia to this country, is that wrong?
	ABDELBARY	No it appears that you don't have sufficient information.
	AGNEW	Would you provide me with the correct information.
	ABDELBARY	Surely.
	AGNEW	Explain how you got from Egypt to this country?
	ABDELBARY	I came through United State, I was in America before. I obtained a visa from the Brit... er... the, from the

Continuation sheet No:.....4

Adel ABDELBARY

Word of tape recorded interview of		
Tape counter times	Person speaking	Text
		British Embassy in Cairo. Afterward I went to America, and later, and afterward I came to the UK. And then I went to Saudi Arabia and then came back here again.
8.49	AGNEW	How long were you in America.
	ABDELBARY	Around three months.
	AGNEW	When was this?
	ABDELBARY	I believe in 91 approximately.
	AGNEW	Why did you leave America?
	ABDELBARY	I did not like situation there.
9.16	AGNEW	What was wrong with the situation?
	ABDELBARY	I felt, I felt outside of there. I liked London because I came to London.
	AGNEW	Where exactly did you stay in the United States of America?
9.45	ABDELBARY	I lived in New York.
	AGNEW	Do you
9.47	ABDELBARY	I resided in New York.
	AGNEW	Do you remember the address?
	ABDELBARY	No.
	AGNEW	Who paid for your air fares?
	ABDELBARY	I went on my own account.
	AGNEW	So you paid for your travel arrangements?
	ABDELBARY	Yes.
10.19	AGNEW	Okay. Who pays for your office equipment?
	ABDELBARY	The equipment I have in my office I get from the car boot sale, it is cheap, and others someone give me as a gift.

Continuation sheet No:.....5.....

Adel ABDELBARY

Order of tape recorded interview of		
Tape counter times	Person speaking	Text
11.28	AGNEW	Who was that person?
	ABDELBARY	I don't remember but I have to remember or.
	AGNEW	How do you pay for your mobile telephone and your Internet service?
	ABDELBARY	From the money I have. If anything left from the money I have, meaning, meaning from the Income Support I am receiving, if something left I use it. Sometime there is some money left, other time it pays for shortage. And sometime I borrow some money from my friends and I return it again later on.
	AGNEW	How do you pay for the upkeep of your cars?
	ABDELBARY	The same way, the same, the same circumstances.
	AGNEW	So you can afford to pay tax, insurance, MOTs on, on these vehicles?
	ABDELBARY	Yes the tax on my car is cheap.
	AGNEW	It is no cheaper than anyone else's I would suggest.
	ABDELBARY	Yes normally I, I will pay. I mean the car is old.
12.22	AGNEW	But the maintenance of a car is expensive.
	ABDELBARY	That's why I kept the black car unrepaired, I did not repair it.
	AGNEW	Is it parked on the road?
	ABDELBARY	Yes.
	AGNEW	So it needs tax.
	ABDELBARY	It has got tax since.
	AGNEW	Okay. What do you, does your shop sell back in Egypt?
	ABDELBARY	One sells chickens, imported, not imported, we receive it alive, and the other shop sells cheeses and milks.

Continuation sheet No:.....

Adel ABDELBARY

ord of tape recorded interview of		
tape counter times	Person speaking	Text
14.47	AGNEW	Do you receive income from the sale of these goods?
	ABDELBARY	I am a partner with my brother and he pays what, he pays my share to my mother after my father died.
	AGNEW	Will you tell me how much money you have received from your family since your arrival since your arrival in the UK?
	ABDELBARY	I have previously answer to this question I do not remember.
15.10	AHMED	I mean I'm just a bit concerned about the flow of the questions in the light of the reasons why he was arrested. I appreciate you want a full background on a ...
15.18	AGNEW	Yes.
	AHMED	National position.
	AGNEW	Yes.
	AHMED	But then we are getting close to other matters that he hasn't been arrested for.
	AGNEW	Yes, I'll, can I explain that. The reason I'm asking umm... such detailed questions is that during searches of his address and business addresses, we may well come across umm... funds. We will want to establish where the monies have come from. I will now move on. I would like to ask you about your relationship with those other individuals who have been arrested in connection with the offences that you've been arrested for. Do you know Ibrahim Hussein EIDAROUS?
.03	ABDELBARY	Yes.

Continuation sheet No:.....

Adel ABDELBARY

ord of tape recorded interview of		
Tape counter times	Person speaking	Text
	AGNEW	Tell me what you know of this man?
	ABDELBARY	I was a solicitor during the mid-80's. At that time he was an officer in the Egyptian Army. That's all I know. That's all I understand.
	AGNEW	Why did you need to represent him?
	ABDELBARY	Where?
	AGNEW	Did you have to represent him as, as a lawyer?
.58	ABDELBARY	Yes I am. I am his solicitor. I was his solicitor.
18.04	AGNEW	Was Mr EIDAROUS in trouble with the Egyptian Government?
	ABDELBARY	Yes.
	AGNEW	Do you, can you expand on that?
	ABDELBARY	I believe that I will not be able it is a long subject. And then what, what can I say?
	AGNEW	Do you keep in contact with Mr EIDAROUS in this country?
19.12	ABDELBARY	The International Office er... sometime when someone arrive in, unable, was unable to know anything as, for the procedure regarding school for the children. That's all I know about him.
	AGNEW	Is he a friend.
	ABDELBARY	That is the relationship that I was his solicitor.
	AGNEW	Do you talk to him ...
	ABDELBARY	That I am his solicitor.
	AGNEW	Do you talk to him by telephone or visit him on a regular basis.
.13	ABDELBARY	I believe that I have come here to be asked about

Continuation sheet No:.....

Adel ABDELBARY

Word of tape recorded interview of

Tape counter times	Person speaking	Text
		myself, be questioned about myself and not about others. Besides I am a lawyer, I cannot talk about anyone I am his lawyer. That's against the law.
	AGNEW	Do you practice law in this country?
	ABDELBARY	No, but I have sworn a secrecy about other er... peoples secrets. They are my clients.
21.09	AGNEW	I don't believe that your client confidentiality umm... covers this situation.
	ABDELBARY	I have answered what I have.
	AGNEW	When was the last time your visited Mr EIDAROUS at his home address?
	ABDELBARY	I don't remember.
22.06	AGNEW	What can you tell me about Mr Hani Youssef AL SEBAI?
	ABDELBARY	I know him. He is a lawyer. I know him from Egypt.
	AGNEW	Under what circumstances in Egypt?
	ABDELBARY	He's a lawyer we used to joint, jointly defence certain cases.
	AGNEW	Was Mr AL SEBAI subject of arrest and detention?
	ABDELBARY	I do not know.
22.59	AGNEW	Have you visited Mr AL SEBAI at 123 Hamlet Gardens, West 6, his home address?
	ABDELBARY	Yes, yes, yes.
	AGNEW	What is your relationship with this man?
	ABDELBARY	Normal. There is no any relationship either.
	AGNEW	Are you friends?
23.38	ABDELBARY	Normally I am a friend to any person. The Egyptians here I mean.

Continuation sheet No:.....

Adel ABDELBARY

Word of tape recorded interview of		
Tape counter times	Person speaking	Text
	AGNEW	What is your relationship with Hani El-Sayed YOUSEFF?
	ABDELBARY	I have no relation, I have no relation with him, it's just a friendship, like any other friendship. I know him from, like any Egyptian. I know him from Egypt.
24.27	AGNEW	How did you meet Mr YOUSSEFF in Egypt?
	ABDELBARY	In court.
	AGNEW	Was he a defendant or a lawyer?
	ABDELBARY	Yes, lawyer.
	AHMED	Well just to clarify, are these one of the same persons - Hani Yousef AL SEBAI and El Sayed YOUSSEFF?
	AGNEW	Yes. Just to clarify that point. It, is Mr AL SEBAI and Mr YOUSSEFF one of the same person?
25.25	ABDELBARY	Okay. I know him in the name of Hani EL SEBAI.
	RISK	Just clarify the question again. You correct me.
	ABDELBARY	I'm not sure.
	AGNEW	Okay. It would appear from our records that Hani El Sayed YOUSSEFF and Hani EL SEBAI are one of the same people.
	RISK	Okay. Sorry.
	AGNEW	Do you understand that, that it would appear that Mr YOUSSEFF is also known as Mr EL SEBAI to us.
26.40	ABDELBARY	I do not know. I do not know. I have no idea.
	AGNEW	Okay. Do you know Mr AL MAQSUD? Yes his name is Sayyia Ahmed AL MAQSUD. Do you know that man?
27.18	ABDELBARY	Yes I know him. Yes I know him.
	AGNEW	Under what circumstances.
	ABDELBARY	The same thing. Most of the refugee, the asylum seeker

Continuation sheet No:..... 10

Adel ABDELBARY

ord of tape recorded interview of		
Tape counter times	Person speaking	Text
		here, I was their lawyer. The asylum seeker from Islamists. I would like to add to yourself an information, a point, our office in Cairo, it's considered taking on most Islamists cases. And that is the reason that I, I'm aware or I know them.
28.20	AGNEW	Did you know him in Egypt?
	ABDELBARY	Yes.
	AGNEW	Was he a defendant or a lawyer?
	ABDELBARY	Hani was a lawyer, Sayyia was a client, a defendant.
	AGNEW	Was he in trouble for political reasons in Egypt?
	ABDELBARY	Yes, most of the people who we act on their behalf they have problems.
	AGNEW	Is he also known as Sayyia Ahmed ABDUL LATIF?
29.16	ABDELBARY	I don't know. I don't remember. I think he's known Sayyia Ahmed MAQSUD.
	AGNEW	Does he live at 46 Lancelot Road, Wembley?
	ABDELBARY	I don't know, I don't visit him. I don't know.
	AGNEW	Do you speak to this man by telephone?
29.46	ABDELBARY	I believe yes, truly yes.
	AGNEW	Often?
29.53	ABDELBARY	No. It depend on the circumstances.
	AGNEW	What circumstances would those be?
	ABDELBARY	I cannot precise when I talk to him. I cannot, I don't take a piece, er... a paper and write down, he contact me or I contact him one week or this week.
	AGNEW	Do you know Khaled AL FUWAZ?
	ABDELBARY	Yes. Yes.

Continuation sheet No:.....

Adel ABDELBARY

Order of tape recorded interview of		
Tape counter times	Person speaking	Text
31.13	AGNEW	Under what circumstances?
	ABDELBARY	I became acquainted with him at the mosque. The circumstances at the mosque here.
	AGNEW	Did you know him in Egypt?
	ABDELBARY	No.
	AGNEW	Is he a client of yours now?
	ABDELBARY	No.
	AGNEW	Is he from Saudi Arabia?
	ABDELBARY	I know that he's from Saudiia.
	AGNEW	What do you two have in common?
	ABDELBARY	Normal communication with Muslims. It's normal, social, social relation, nothing else.
32.12	AGNEW	Do you visit him at 94 Dewsbury Road, North West 10.
	ABDELBARY	Yes I visited him.
	AGNEW	Do you visit him on a regular basis?
	ABDELBARY	Occasionally. Occasionally. Lengthy periods. My wife knows his wife sometime I take my wife to see, to meet his wife. And he sometime bring his wife to us.
32.49	AGNEW	Okay. Do you know Hassan Ahmed OSAMA?
	ABDELBARY	No.
	AGNEW	He also uses the alias of Abu Abd'al RAHMAN. And he's also known as Osama Hassan Ahmed MOHAMMED.
	ABDELBARY	I don't remember.
	AGNEW	He lives at 87 Central Avenue, Hayes.
	ABDELBARY	I don't remember this name.
	AGNEW	Are you paid for your services as a lawyer in this country?

Continuation sheet No:.....

Adel ABDELBARY

Record of tape recorded interview of		
Tape counter times	Person speaking	Text
	ABDELBARY	No. No.
	AGNEW	Who funds your office?
	ABDELBARY	No one. Anyone who needs service they pay, it is cost.
	AGNEW	How do they pay you?
	ABDELBARY	If someone want to send a fax and so on, something like this. If we go for a mission, trip to someone, with someone, they will pay for the mini cab and so on.
35.16	AGNEW	I'm just going to ask you now umm... if I may borrow your solicitor's copy of the document I have served on. I just want to borrow it for a second just to cover the other point that I mentioned. And that second point deals about an organisation known as the EIJ which stands for the Egyptian Islamic Jihad. And I wish to know about your knowledge of that group and its members. Would you like to tell me what you know about that organisation, that group?
36.28	ABDELBARY	It is an Egyptian organisation, Islamic. Against the regime in Egypt and of course no one would be able, no one would be able to know the members, the numbers and the way and so on. All we knew, all we knew at the time I was a lawyer during the cases in court and judgement. And the leader name, Ayman ALZAWAHRY.
37.50	AGNEW	Have you ever met that man?
	ABDELBARY	Yes, I was his lawyer.
	AGNEW	Why did this group choose you above all others to become their lawyer?

Continuation sheet No:.....

Adel ABDELBARY

Word of tape recorded interview of

Tape counter times	Person speaking	Text
	ABDELBARY	You are now asking for he is now pointing at yourself, asking about this group. But there is many, many other groups. We have many other groups apart from this in Egypt.
38.46	AGNEW	I'm concerned only with this group at this time.
	ABDELBARY	And this is the answer and that is why I, that is why you are asking a lot about them.
	AGNEW	Do the EIJ believe in violence in order to gain their political ends?
	ABDELBARY	Through my following up through their cases and through their books which is written by them, published by them. They did not begin, begin the idea of the clash with the regime. But during the period between 1982 until 1990, there haven't been any clash between the regime and the Islamic, Islamists. Therefore there was no need to use aggression.
41.06	AGNEW	Do they now believe in violence?
	ABDELBARY	Yes now they use aggression and violence unfortunately. I, I mean unfortunately.
	AGNEW	Have they assassinated people?
	ABDELBARY	I do not know during the period I have been here.
	AGNEW	What about the time before in Egypt?
	ABDELBARY	Nothing happened apart from the beginning of the clash with the Islamists groups and also Jihad and also Islamists group.
	RISK	He's saying do you know the difference between Jihad and Islamist group. I did not interpret it as Jihad,

Continuation sheet No:.....

Adel ABDELBARY

Word of tape recorded interview of

Tape counter times	Person speaking	Text
		I said Islamists group.
42.28	ABDELBARY	The beginning of the clash wars among the group, who Osama RAHMAN was a member among them. The Egyptian regime began to kill some of their member, various member. One called Dr A'llaa Mouhy ELDIN, and followed by someone, a person called Maged Al O'TAIFI and the two were killed in the street. And this was the beginning of the clashes with the groups Jihad.
44.21	AGNEW	Do you know any EIJ members in this country?
44.37	ABDELBARY	No. No.
	AGNEW	Are any of the people in custody here associated in any way with the EIJ?
	ABDELBARY	According to what I know myself, no. But you can ask them. It's easier.
	AGNEW	Are you a member of any political group?
	ABDELBARY	No.
45.42	RISK	I am asked to tell you that I have got, he's asking me to tell you that he's got contact with the political parties and a group in Egypt.
	AHMED	Sorry contact or?
	ABDELBARY	Yes. They're friends.
46.10	POWELL	Can you just repeat that. He's got contact?
	ABDELBARY	I have contact, I know from them people (the buzzer sounds on tape) the members (incomprehensible).
	AGNEW	Okay. Well that ...
	ABDELBARY	But they are not from the armed ones, they are from political parties. Oh, legal, legal, parties, not

Continuation sheet No:.....

Adel ABDULBARY

Time Tape counter times	Person speaking	Text
		political parties.
	AGNEW	That's, okay.
	RISK	Not political parties, legal parties.
	AGNEW	Okay I want to finish the interview at this point. I believe a form 987 will be served on you to explain to your entitlement to copies of the tape. The time on my watch is 4.15 pm. Okay so we will conclude this interview at this time. And again I'd ask you as you did before to sign the (TAPE CUTS OFF).

D922

<u>EXHIBIT REF. NO.</u>	<u>PRODUCED BY:</u>
GP/19A	DC GARY POWELL
<u>DESCRIPTION:</u> RECORD OF TAPE RECORDED INTERVIEW ADEL ABDEL BARY 25/9/98 21.52 - 22.25	
<u>WHERE FOUND:</u> CHARING CROSS POLICE STATION	
<u>REMARKS:</u>	

Record of Tape Recorded Interview

Person interviewed Adel ABDELBARY Police Exhibit No..... GP/19A

Place of interview Charing Cross Police Station Number of Pages 13

Date of interview 25th September 1998 Signature of interviewing officer producing exhibit

Time commenced 2152 Time concluded 2225

Duration of interview 33 minutes Tape reference Nos.

Interviewing Officer(s) Detective Constable POWELL, Detective Constable MALINS

Other persons present Miss A RISK (Interpreter) & Mr AHMED Solicitor

Tape counter times	Person speaking	Text
	POWELL	(The following interview was conducted via an Interpreter as MR ABDELBARY does not speak English. ALL his answers are through the Interpreter). This interview is being tape recorded. I am Detective Constable Gary POWELL of the Anti-Terrorist Branch at Scotland Yard. The other officer present is:
	MALINS	Steve MALINS, Detective Constable, also of the same Branch at Scotland Yard.
0.46	POWELL	We are in the interview at Charing Cross Police Station. And I am
	RISK	Sorry ...
	POWELL	Sorry (to interpreter). And I am interviewing, please give us your name please sir.
	ABDELBARY	Adel Mohammed Abdel Magid ABDELBARY.
1.21	POWELL	You also have your legal representative present. If you can introduce yourself please sir.
	AHMED	My name's Mr AHMED, Solicitor, and my role here is to advise and assist you and to protect and advance your legal rights under the Codes of Practice, and which

Continuation sheet No:.....

Adel ABDELBARY

Record of tape recorded interview of		
Tape counter times	Person speaking	Text
		means even during this interview should you require further legal advice, indicate that to the officers who will then stop the interview and allow us further time for consultation. Do you understand?
2.31	ABDELBARY	Yes.
2.32	POWELL	Right the date is the 25th of September 1998, and the time by my watch is 9.52. I must tell you you do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence. Do you understand that?
	ABDELBARY	Yes.
	AHMED	I mean it might be appropriate at this stage for er... for me officer to indicate that as you know I've had grave concerns regarding the disclosure. We had discussions earlier on and consequently now we've returned to the interview and my fears are that the er... representations that I made regarding the disclosures, they haven't been resolved. They're still there and what I'm extremely worried about is that er... some of the material is unrelated. Some of the material er... is wrongly translated er... with which obviously limits my job and umm... furthermore what, what concerns me is that we have to go into this interview when I'm not able to discharge my duty and protect my client's rights. So in the light of that, my advice to my client at this stage is to give no

Continuation sheet No:.....

Adel ABDELBARY

Record of tape recorded interview of		
Tape counter times	Person speaking	Text
		comment. He has co-operated fully hitherto, however in the light of the current disclosure, which is troubling me a great deal, I am unable to advise him and consequently it is on my advice that he is going to give a no comment interview.
4.34	POWELL	Okay sir. Thank you for that. I mean obviously umm
	RISK	Do you want me to interpret er... your client wishes to know what is going on?
	AHMED	I think just for his benefit ...
	RISK	So he pointed out and he lift... he lifted his finger up so that he would like to know what you saying.
	AHMED	Okay. I'll give the gist of what I have said to the officer. That I have a duty to him and I have grave problems whether I can discharge that duty which depends highly on the disclosures of evidence made by the officers. Attempts were made earlier this afternoon to bring my concerns to the officers attention and although he went on to try and resolve them, I am still not satisfied at this particular time to advise you on, on the evidence nor can I protect your rights due to the type of disclosure made, and furthermore, forming the conversation with DC Gary POWELL, it became apparent that you were arrested as a result of conversations with a Special Branch officer in which it is alleged that you are, or you have stated you're a member of the EIJ, member of EIJ.

Continuation sheet No:.....
Adel ABDELBARY

ord of tape recorded interview of

ape counter times	Person speaking	Text
7.15	ABDELBARY	No, I did not say so.
	AHMED	Well indeed, my concerns are that you said, er... you've advised me that this conversation never took place and the last contact you had with the officer was, was sometime ago with no translators or interpreters present and so I am extremely alarmed that that is the evidence currently before me. So therefore I have told the officer that on my advice you are going to give 'no comment' interview, er... even though prior to this you have given full interviews and fully co-operated with the officers. So my advice, so my advice is to give a 'no comment' interview to all the questions raised for the time being, and that we reserve our position to review the matter once matters that are raised.
8.52	RISK	Sorry.
	AHMED	Once matters that are raised have been clarified. Okay. I'm sorry, I'm sorry I didn't slow down for the interpreter initially.
9.17	POWELL	Okay. As you already said sir, he has every right not to answer any of my questions, but as you appreciate I also have a right to ask them. What I'd like to do is show Mr ABDELBARY a number of photographs of other people who are detained at this police station. I would like him to tell me if he knows any of these people. The first one is man by the name of YOUSSEFF. Do you know that man?

Continuation sheet No:.....

Adel ABDELBARY

Word of tape recorded interview of		
Tape counter times	Person speaking	Text
	ABDELBARY	I believe that you should give the solicitor the complete picture so that he can give me an advice to the correct direction regarding the matter, case. And I have co-operated with during the previous two interview without easily. Therefore I would consider first that you would clarify this problem with the solicitor. After that I have no problem if you have clari... if you clarify this problem with my solicitor. And my comment to that question, no comment.
11.30	POWELL	Have you ever met this man before?
	ABDELBARY	No comment.
	AHMED	And again for the record I wish to say that I haven't seen the photographs and they are being presented for the very first time, and again I have taken no instructions whatsoever, nor can advise my client.
	POWELL	In the disclosure I gave you yesterday sir.
	AHMED	Well I'm talking about this specific disclosure. What type of disclosure?
12.07	POWELL	I, I've, it was stated in the disclosure that we will be discussing with your client.
	RISK	Okay.
	POWELL	Associates that have, have already been arrested or were arrested at the same time. Unfortunately yesterday when I served it on you, these photographs weren't available. I've got a photograph of a Mr Khaled FUWAZ. Do you know this man?